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REMARKS

Claims 1-16 are currently pending in this application. Claims 1 and 16 have been amended for clarification of the claimed invention. The amended claims set is provided herewith. Applicants respectfully request entry of this present amendment.

According to the Advisory Action, the amendments submitted in the prior Response were not entered. The Examiner that Applicants' use of the conjunction "and" rather than "or" required the Examiner to indicate that the amendment raised new issues that required further consideration. Independent claim 1 has now been amended to indicate that the inventive composition is a convenient freezer-to-oven biscuit swirl, which does not require thawing or proofing prior to baking -- a step generally known to be required in prior art formulations, to achieve the volume, look, taste, etc. of conventional frozen compositions. Support for this amendment can be found throughout the specification as well as the originally filed claims. Claim 1 now clearly requires that the composition is provided as a freezer-to-oven product, where the biscuit swirl can be placed directly into an oven in its frozen state and baked so that the majority of the leavening (rising) is conducted in the oven.

§ 112 Rejection

Applicants thank the Examiner for considering Applicants' remarks and withdrawing this rejection.

§ 103 Rejection

Claims 1-16 are maintained as rejected, allegedly unpatentable due to obviousness under 35 U.S.C. § 103 over Kuechle et al. in view of Hahn et al.

Kuechle et al. teaches an underdeveloped frozen dough that requires a thaw step before it can be "scooped" out of its container. The reference clearly teaches and describes how thawing is necessary for the composition of Kueschle in order for the composition to have 'scoopable' characteristics -- a convenient way for practitioners to handle and deliver portions of dough from the container, to an appropriate bakeware piece.

Hahn et al., relates to non-emulsion based, moisture containing fillings that are used in products that contain dough and filling, where the products are refrigerated, frozen, or intended to be frozen, and therefore care must be taken to balance the water activity between the dough and the filling. The Hahn et al. filling is formulated to

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reduce or eliminate moisture migration between the filling and a dough that is in contact with the filling, particularly migration that tends to occur while a product is stored at freezing temperatures. Although Hahn et al. describe roll products such as a luxuriant cinnamon roll, Hahn et al. do not teach or suggest that a luxuriant roll can be made with a biscuit dough. In particular, the Hahn et al. reference does not teach or suggest a "biscuit swirl" as required in claim 1.

The Examiner suggests that the combination of Kueschle et al. and Hahn et al. render Applicants' invention obvious. Applicants respectfully disagree, since neither Kueschle et al nor Hahn et al specifically teach nor even suggest a biscuit swirl, in a freezer-to-oven format (i.e. no intermediate thaw and proof step), that can achieve a BSV of at least about 2.2. The Examiner points out that "... if one does not want to store the dough in the refrigerator, it would have been obvious to bake the dough without thawing." Indeed any dough composition can be placed into an oven in its frozen state; however, there is no expectation that without a specific formulation as Applicants provide, such a dough composition could necessarily achieve a BSV of at least about 2.2. Not until Applicants' invention, has it been found that a convenient freezer-to-oven format of an unproofed biscuit swirl could achieve an unexpected result of a baked specific volume of at least about 2.2, without having to thaw and proof the composition prior to baking. Furthermore, surprisingly, the freezer-to-oven biscuit swirl product prepared from a non-laminated biscuit dough exhibits a significantly higher BSV as compared to like products prepared from a fully developed non-laminated dough. (See Declaration of Leola Henry, previously submitted.) One of ordinary skill would have had no expectation of this significant difference in BSV properties in dough selection, even in view of the cited references.

It is respectfully submitted that the references, alone or in combination do not teach or suggest a frozen unproofed, unbaked biscuit swirl comprising a nonlaminated biscuit dough and a smear layer in the swirl configuration as claimed, wherein the biscuit swirl, when baked, has a baked specific volume of at least about 2.2 even without a thawing or proofing step prior to baking. Accordingly, Applicants request that the rejection of claims 1-16 be withdrawn.

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Conclusion

It is respectfully submitted that the claims as amended are in condition for allowance. Early favorable notice to that effect is earnestly solicited. In the event that a phone conference between the Examiner and the Applicants' undersigned attorney would help resolve any remaining issues in the application, the Examiner is invited to contact the attorney at 763.764.2265.

Respectfully submitted,



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